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July 16, 2006

Re: Application # 10/783,294

Attention: Coletta, Lori L – Art Unit 3612

Please find below and/attached the response to your letter dated June 6, 2006.

1. Drawings – the new illustration sheet has been given a figure 4 number and has accordingly been mentioned in the description of drawings.

3. Claim Rejections – As stated in my previous letter of November 16, 2005, Hoffman '281 claims "a powered tonneau cover actuator for power-assisted opening and closing of a tonneau cover". He is very specific in not mentioning a vehicle topper or canopy because there are completely different entities. The power actuator as described by Hoffman '281 is assumed to be of sufficient size to aid in the lifting of a tonneau cover weighing approximately 50 pounds, therefore making an assumption that it would be "useful" to lift a topper or canopy weighing 300 pounds would be in error. Hoffman '281 is very vague and non specific in claim 2 as to the power level used, and its source. I have previously stated that there are hundreds of actuators of all sizes and shape and all can have distinctive actions and purpose. Hoffman '281 mechanical lift track (which is not an arm) is profoundly different compared to mine, both in shape, size, and action.

4. I feel that Hoffman '281 had obvious skills as he purposely did not mention the raising of the tonneau cover from its side position. If he did, he would loose 50% of accessibility to the vehicle box.

4. Continued..

Regarding Laper 6,505,875- This patent confirms that there is a solid distinction between a canopy and a tonneau cover. It also identifies one of hundreds of ways in which hinges are used, mounted, and adhered to through various patents. The prior art referenced by Laper and other patents indicates that hinging a canopy to a truck box is not uncommon. Laper '875 is perhaps more specific on how his hinges are adhered to a truck box as are mine, although mine are different in shape and adherence technique. The fact is, all prior art regarding hinges reflect commonality of purpose and my application is no different than Laper '875, or Micknowicz 5,403,061.

In regards to my claim 13, Hoffman '281, as modified, discloses the securing only of a vehicle tonneau cover by means of a hinge and in his claim 4 indicates it only opens in the range of 15 to 45 degrees as compared to my claim which opens the canopy 90 degrees.

In regards to my claim 14, Hoffman '281, as modified, discloses his power actuator is attached to the inside surface of a side wall. My unit is attached to the fender wall. This is the closest commonality of our patents. What would remain of our mechanical systems are considerably different in shape, action, and purpose.

In regards to my claims 15 and 16, the power options which I have claimed are considerably larger and have very distinct mechanics and action as compared to the Hoffman '281 actuator. I have been very specific regarding my power sources compared to the vague and incomplete description of Hoffman '281. In fact, the background of invention preamble in Hoffman '281 states "props and gas struts do not assist with the opening of the cover". This is a false statement because a gas strut is a power assist unit using air or gas pressure to aid in the lifting of said cover.

I would like to draw your attention to Miller 5,503,450 dated April 2, 1996 versus Hoffman '281 dated December 14, 2004. There is a remarkable resemblance to these patents in terms of lift tracks and power units. Miller '450 uses a hinge rail and "a lift piston actuable by an operator" and Hoffman '281 uses hinges and "a powered tonneau cover actuator" which "comprises a wireless, remotely controlled

switch, the switch adapted to operate the motor". Both patents refer to tonneau covers, have similar hinges and power systems, however, Hoffman was allowed a patent. Due to the massive difference in size , action, and shape as compared to my power packs, there should be little doubt that my systems should stand alone.

I hope I have defended my claims in good manner. I have tried to follow the sequence of your letter dated June 6, 2006 so there will be some repetitive items in my response. I look forward to the successful completion of my patent. Thank you for your patience during this process.

Yours truly

Keith Hebron

Attached

a. Page 8 – amended Figure 4
b. Page 9 – amended Description of the Drawings – Figure 4

BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1 - is a perspective view of attaching the upper hinge flange to the bottom side of a vehicle canopy or cover.

Figure 2 – is a perspective view of the bottom hinge flange with the end of the flange bent over at a 90 degree angle where it is secured to the top side of the vehicle bed.

Figure 3 – is a perspective view of the complete lift arm and power system as seen attached to the vehicle bed.

Figure 4 – is a perspective view of an installed canopy lift system with the canopy nearly in the vertical or open position.

DESCRIPTION OF PRIOR ART

A search for prior art includes : U.S. Pat. No 3,578,387 LIFTABLE VEHICLE TOP; No. 3,923,334 TRUCK BODY CLOSURE; No. 3,954,296 VEHICLE BED COVER ASSEMBLY; No. 4,101,162 RAISABLE TOPPER; No. 4,277,098 VERTICALLY SWINGABLE CAMPER SHELL; No. 4,420,181 TRUCK BED CAP STRUCTURE; No. 4,768,824 TRUCK BED COVERING; No. 5,102,185 LOAD BED LIFT ROOF COVER; No. 5,503,450 TRUCK LID LIFT SYSTEM; No. 5,909,921 TRUCK CARGO COVER.